

IN THE MATTER OF	:	BEFORE THE
HOWARD COUNTY	:	HOWARD COUNTY
GENERAL HOSPITAL, INC.	:	BOARD OF APPEALS
Petitioner	:	HEARING EXAMINER
	:	BA Case No. 07-007S

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DECISION AND ORDER

On February 11, 2008, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of Howard County General Hospital, Inc. for a variance to erect three identification signs, two along Cedar Lane and one along Little Patuxent Parkway in a POR (Planned Office Research) zoning district, filed pursuant to Section 3.501.C of Subtitle 5 of Title 3 of the Howard County Code (the "Sign Code"). Signs A and B are 70 square feet and both signs are 25 feet from Cedar Lane. Sign C is 76.20 square feet and is from 16.41 feet from Little Patuxent Parkway.

The Petitioners certified that notice of the hearing was advertised and that the subject property was posted as required by the Howard County Code. I viewed the subject property as required by the Hearing Examiner Rules of Procedure.

Jay Blackman and Beth Plavner testified in support of the petition. No one appeared in opposition to the petition.

FINDINGS OF FACT

Based upon the preponderance of evidence presented at the hearing, I find the following facts:

1. The Petitioner Howard County General Hospital is a member of Johns Hopkins Medicine. The subject property has a street address of 5755 Cedar Lane and is located in the 5th Election District in Columbia (the "Property"). The Property is referenced on Tax Map 35 as Parcel 276/4.

2. The 19.53-acre irregular quadrilateral shaped Property is located at the southwest intersection of Little Patuxent Parkway and Cedar Lane. Because the Petitioner is a hospital, there are multiple designated means of access to the Property, including an emergency entrance on Little Patuxent Parkway.

3. The property to the hospital's north, across Little Patuxent Parkway, is zoned NT and is improved by a townhouse/condominium development. To the west, across Cedar Lane, is an NT-zoned property improved by brick and wood, garden townhouses. The property to the south is zoned NT and is improved by a professional office building known as 10792 Hickory Ridge Rd. The property to the east is zoned POR and is improved by a three-story medical office building.

4. The Petitioner is requesting a variance under Section 3.501.C of the Sign Code for three identification signs. Signs A and B would be erected on either side of the Cedar Lane entrance south of Little Patuxent Parkway. They are each 7 feet high by 10 feet wide and both signs are 25 feet from Cedar Lane, instead of the 70-foot setback required in relation to the aggregate sign area and the 17.62-foot setback required in relation to the total sign height. The top of Sign A is 8.70 feet from grade to the sign's top. Sign B is 9.7 feet from the grade to the sign's top. The blue

signs would include the words "Johns Hopkins Medicine" above the words "Howard County General Hospital," with the Johns Hopkins Medicine logo atop the signs.

5. Sign C would be erected at the Little Patuxent Parkway entrance to the emergency room. It is 7' 7½" high by 10' wide and is 16'5" from Little Patuxent Parkway, instead of the 76.20-foot setback in relation to the aggregates sign area and the 19.42-foot setback in relation to the total sign height. The blue sign would include the words "Johns Hopkins Medicine" above the words "Howard County General Hospital," with the Johns Hopkins Medicine logo atop the sign and the word "Emergency" set against a red background at the bottom. The sign is 9.62 feet from grade to the sign's top.

6. The speed limit on Cedar Lane is 35 miles per hour. The speed limit on Little Patuxent Parkway is 40 miles per hour.

7. The proposed signs would replace the current signs.

8. Due to the nature of the hospital use, there are multiple entrances, including the emergency entrance. The view of northeast bound motorists on Little Patuxent Parkway is obstructed by landscaping on and off the property and a moderate rise in the roadway. The view of southwest bound motorists on Cedar Lane is also obstructed by landscaping on and off the property, utility poles, and a moderate rise in the roadway.

9. The persons testifying in favor of the petition stated that the Petitioner recently became a member of Johns Hopkins Medicine and must follow strict signage requirements.

CONCLUSIONS OF LAW

Section 3.513(b) of the Sign Code permits the Board of Appeals to grant variances from the provisions of the Sign Code where certain determinations are made. Based upon the foregoing

Findings of Facts, I conclude as follows:

1. That there are unique physical conditions or exceptional topographical conditions peculiar to the property on which the proposed signs area to be located, including the location of trees, utility poles, and road grades, which conditions lead to practical difficulty and unnecessary hardship in complying strictly with the provisions of this subtitle and the hospital's need to alert motorists to specific hospital areas, such as like the emergency room. I therefore conclude these conditions lead to practical difficulty and unnecessary hardship in complying strictly with the setback requirements of the Sign Code, in accordance with Section 3.513(b)(1).

2. The Petitioner did not create these conditions, in accordance with Section 3.513(b)(2).

3. There are no historical, architectural, or aesthetic characteristics of the Property to be considered under section 3.513(b)(3).

4. The proposed sign will be generally separated from vicinal commercial and residential properties and will not result in a dangerous traffic condition. The variance, if granted, will not adversely affect the appropriate use or development of adjacent properties, nor result in a dangerous traffic condition, in accordance with Section 3.513(b)(4).

5. The proposed sign is the minimum necessary to afford relief and can be granted without substantial impairment of the intent, purpose and integrity of the Sign Code, in accordance with Section 3.513(b)(5).

6. The practical difficulties are a result of unique Property conditions, vicinal obstructions, and highway conditions. The Petitioner did not create these conditions, in accordance with Section 3.513(b)(6).

ORDER

Based upon the foregoing, it is this 7th day of March 2008, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the petition of Howard County General Hospital for variances to: (1) erect two signs 7 feet high by 10 feet wide and 25 feet from Cedar Lane, instead of the 70-foot setback required in relation to the aggregate sign area and the 17.62-foot setback required in relation to the total sign height, and (2) erect one sign at the Little Patuxent Parkway entrance to the emergency room, 7' 7½" high by 10' wide and is 16'5" from Little Patuxent Parkway, instead of the 76.20-foot setback in relation to the aggregate sign area and the 19.42 foot setback in relation to the total sign height, such signs being located in a B-2 (Business: General) zoning district, is hereby **GRANTED;**

Provided, however, that the variances shall apply only to the uses and structures as described in the petition and plan submitted, and not to any other activities, uses, structures, or additions on the Property.

**HOWARD COUNTY BOARD OF APPEALS
HEARING EXAMINER**



Michele L. LeFaivre

Date Mailed: 3/12/08

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.

